REMARKS/ARGUMENTS

Claims 1-9 are pending in this application. By this Amendment, claims 1, 2, 5, 6, and 9 are amended; and claims 11-16 are cancelled. Applicant respectfully submits that this Amendment does not add any new matter.

REJECTIONS UNDER 35 U.S.C. § 103

On pages 5-13, the Office Action rejects claims 1-9 under 35 U.S.C. § 103 as allegedly being unpatentable over PCT Publication Number WO/02/49343 to Leaning et al. (hereinafter, "Leaning") in view of U.S. Publication Number 2003/0236864 to Lai (hereinafter, "Lai"). Applicant respectfully traverses this rejection.

Independent claim 1, as amended, recites in part, "a first set of files (S_1) generated by slicing an encoded multimedia content in a first set of slicing positions ($\{T_{1,1},..., T_{1,K}\}$), and a second set of files (S_2) generated by slicing the encoded multimedia content in a second set of slicing positions ($\{T_{2,1},..., T_{2,K}\}$) shifted in time compared to the first set of slicing positions, forming at least two sets of slices that can be decoded independently one from the other" (emphasis added). This subject matter provides significant benefits. For example, by generating multiple sets of files with different slicing positions, the delay a client

experiences when requesting live content may be reduced. See, for example, paragraph [0043] of the published version of the specification.

The Office Action cites Leaning as allegedly disclosing this subject matter, specifically citing page 6, lines 13-26, page 13, lines 32-33, and Fig. 4. The Office Action alleges that Leaning teaches "storing and having access to a plurality of set[s] of files of encoded audio or video material partition[ed] into at least one set of indices shifted in time compared to a previous set of slicing positions." However, Leaning fails to disclose that multiple sets of files are generated by slicing the same multimedia content at different times. As disclosed in Fig. 4 of Leaning, only one set of files is generated for the multimedia content (*i.e.*, the set that includes the files S1 and S2). Files S1 and S2 do not constitute multiple sets of files. While 0.075 seconds worth of content overlaps between files S1 and S2, the other remaining 3.925 seconds of content in block B2 is only contained in a single file. In contrast, the recited subject matter generates multiple sets of files that can be decoded independently of each other. Fig. 4 of Leaning discloses only one file that can be decoded to regenerate the content of each block, not multiple sets of files.

Leaning further discloses storing two or more versions of a recording, recorded at different compression rates. *See Leaning, page 6, lines 13-15.* However, Leaning fails to disclose that each different version of the recording is sliced at

different time positions. Recording content at different compression rates does not necessarily mean that the slicing position at each rate is different. Therefore, Leaning fails to disclose, inter alia, "a first set of files (S_1) generated by slicing an encoded multimedia content in a first set of slicing positions ($\{T_{1,1},..., T_{1,K}\}$), and a second set of files (S_2) generated by slicing the encoded multimedia content in a second set of slicing positions ($\{T_{2,1},..., T_{2,K}\}$) shifted in time compared to the first set of slicing positions, forming at least two sets of slices that can be decoded independently one from the other" as recited in claim 1. Accordingly, Applicant respectfully submits that claim 1 is allowable over the references of record.

Independent claim 1, as amended, further recites in part, "selecting at least one file ($F_{i,j}$) ... amongst said sets of files (S_j), upon reception of said fetching requests from the client device, wherein said at least one file ($F_{i,j}$) is selected by evaluating an out-of-date time of a most recent file and a delay time of a next file to get ready" (emphasis added). This subject matter provides significant benefits. For example, by selecting a file from amongst multiple sets of files and evaluating the time of the file, a user is prevented from receiving out-of-date information. This is especially beneficial for live content. See, for example, paragraph [0014] of the published version of the specification.

The Office Action cites Leaning as allegedly disclosing this subject matter, specifically citing page 19, lines 18-31. However, Leaning fails to disclose that a file is selected from amongst multiple sets of files, as discussed above. Leaning further fails to disclose that a file is selected by evaluating an out-of-date time of a most recent file and a delay time of a next file to get ready. The cited portion of Leaning only discloses selecting "the most recently created subfile." *Leaning, page 19, line 24.* In contrast, the recited subject matter evaluates both a most recent file and a next file to get ready. Further, the recited subject matter performs the evaluation amongst multiple sets of files. Therefore, Leaning fails to disclose, inter alia, "selecting at least one file ($F_{i,j}$) ... amongst said sets of files (S_i), upon reception of said fetching requests from the client device, wherein said at least one file ($F_{i,j}$) is selected by evaluating an out-of-date time of a most recent file and a delay time of a next file to get ready" as recited in claim 1.

Independent claim 5 recites, in part, "slicing said encoded multimedia content in at least a first set of slicing positions ($\{T_{1,1},..., T_{1,K}\}$) and a second set of slicing positions ($\{T_{2,1},..., T_{2,K}\}$) forming at least two sets of slices that can be decoded independently one from the other, ... [and] selecting at least one file ($F_{i,j}$) including at least one of audio content and video content amongst said sets of files (S_i), upon reception of said fetching requests from the client device, wherein said at

least one file ($F_{i,j}$) is selected by evaluating an out-of-date time of a most recent file and a delay time of a next file to get ready." The subject matter of claim 5 is therefore similar to the subject matter of claim 1 discussed above. Accordingly, Applicant respectfully submits that Leaning fails to disclose the above-recited subject matter.

Independent claim 9 recites, in part, "a slicer for slicing said encoded multimedia content in at least a first set of slicing positions ($\{T_{1,1},\ldots,T_{1,K}\}$) and a second set of slicing positions ($\{T_{2,1},\ldots,T_{2,K}\}$) forming at least two sets of slices that can be decoded independently one from the other, ... [and] a server as in claim 1." The subject matter of claim 9 is therefore similar to the subject matter of claim 1 discussed above. Accordingly, Applicant respectfully submits that Leaning fails to disclose the above-recited subject matter.

Turning to Lai, the Lai specification fails to overcome the deficiencies of Leaning. Lai discloses a system for downloading a file that has been divided into packets. Lai does not, however, disclose the above-recited subject matter. Leaning and Lai therefore fail to disclose all of the limitations of independent claims 1, 5, and 9. Applicant respectfully submits that claims 1, 5, and 9 are allowable over the references of record for, at least, the foregoing reasons.

Claims 2-4 depend from allowable claim 1; and claims 6-8 depend from allowable claim 5. These claims are therefore allowable based, at least, on their respective dependencies, as well as for the separately patentable subject matter contained therein. Accordingly, Applicant respectfully requests that the rejection of claims 1-9 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, Juergen Krause-Polstorff, of NXP Corporation at (408) 474-9062.

Respectfully submitted,
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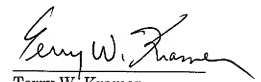

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